

**MINUTES OF THE MEETING
OF THE
BOARD OF ZONING ADJUSTMENT**
Tuesday January 13, 2015

The Board of Zoning Adjustment held its regular meeting on Tuesday, January 13, 2015, in the Council Chambers on the 26th Floor of City Hall and the following members were:

PRESENT:

Ms. Theresa Otto	Chair
Mr. Mike Keleher	Vice Chair
Mr. Richard Osborn	Member
Mr. Tom Stiller	Member
Mr. Quinton Lucas	Member
Mr. Mark Ebbitts	Member, Alternate 1
Mr. Coby Crowl	Member, Alternate 2

ABSENT:

Mr. Tony Bonuchi	Member, Alternate 3
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ALSO PRESENT:

Ms. Diane Binckley	Assistant Secretary
Mr. Justin Peterson	Staff
Ms. Ashley Winchell	Staff
Mr. Joseph Rexwinkle	Staff
Mr. Olofu Agbaji	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Sarah Baxter	Law Department
Mr. Syrus Kalantar	Development Services
Ms. Kathleen Sellen	Court Reporter

All staff reports, photographic slides, video and files are hereby made a part of these minutes.

The meeting was called to order at 12:43 p.m., by swearing in staff members and others who desired to testify at the hearing.

CASE NO: 12434-A-13

APPLICANT/OWNER: Roy Ragland
Homes by Chris, LLC
1621 Hampshire Ct
Liberty, MO 64068

AFFIDAVIT: Not Required

LOCATION: 9301 N Overton Ave

AREA: 9,886 square feet

ZONING: R-7.5

REQUEST: To consider a request for a variance to the minimum required rear yard setback, to allow for a covered deck on a proposed house, plus any other necessary variances.

Ms. Otto swore in Mr. Roy Ragland, Homes by Chris, LLC, 1621 Hampshire Ct., Liberty MO 64068; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted; Ms. Otto asked if there was anyone interested parties in the audience; there was none.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Ms. Otto said in looking at the site map to the rear of the proposed home appeared to be green space was there any plans for further building in that area.

Mr. Ragland stated that was all dedicated green space.

Ms. Otto asked if other homes along that line that faced that green space, were any of those proposed to have similar covered decks.

Mr. Ragland answered yes.

Mr. Peterson stated that the following cases would deal with that.

Mr. Keleher asked who owned the green space.

Mr. Ragland answered the Association; he didn't know if it was deeded to them yet, but Peterson Development Company would deed to the Home Owner's Association.

Mr. Osborn moved and Mr. Lucas seconded the motion to **APPROVE:**

- A variance to the minimum required rear yard setback of a principal structure in a residential district in the amount of 2.0 feet, to allow for the construction of a house with a covered deck.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

CASE NO: 12434-A-14

APPLICANT/OWNER: Roy Ragland
Homes by Chris, LLC
1621 Hampshire Ct
Liberty, MO 64068

AFFIDAVIT: Not Required

LOCATION: 9221 N Overton Ave

AREA: 9,861 square feet

ZONING: R-7.5

REQUEST: To consider a request for a variance to the minimum required rear yard setback, to allow for a covered deck on a proposed house, plus any other necessary variances.

Ms. Otto swore in Mr. Roy Ragland, Homes by Chris, LLC, 1621 Hampshire Ct., Liberty MO 64068; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted; Ms. Otto asked if there was anyone interested parties in the audience; there was none.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Mr. Keleher moved and Mr. Osborn seconded the motion to **APPROVE:**

- A variance to the minimum required rear yard setback of a principal structure in a residential district in the amount of 3.7 feet, to allow for the construction of a house with a covered deck.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

CASE NO: 12434-A-15

APPLICANT/OWNER: Roy Ragland
Homes by Chris, LLC
1621 Hampshire Ct
Liberty, MO 64068

AFFIDAVIT: Not Required

LOCATION: 9201 N Overton Ave

AREA: 13,294 square feet

ZONING: R-7.5

REQUEST: To consider a request for a variance to the required rear yard setback, to allow for a covered deck on a proposed house, plus any other necessary variances.

Ms. Otto swore in Mr. Roy Ragland, Homes by Chris, LLC, 1621 Hampshire Ct., Liberty MO 64068; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted; Ms. Otto asked if there was anyone interested parties in the audience; there was none.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Ms. Otto asked to hear from the applicant; she asked how developed the subdivision was.

Mr. Ragland responded that it was one of the last phases to the north and would be doing some to the south.

Mr. Keleher moved and Mr. Stiller seconded the motion to **APPROVE:**

- A variance to the required rear yard setback of a principal structure in a residential district in the amount of 3.4 feet, to allow for the construction of a house with a covered deck.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

CASE NO: 8518-A-1

APPLICANT: Weston E. Bennett
Bennett Home Improvement and Building
Blue Springs, MO 64015

PROPERTY OWNERS: Bill & Stephanie Kalahurka
6242 Oak Street
Kansas City, MO 64113

AFFIDAVIT: Received

LOCATION: 6242 Oak Street

AREA: 13,200 square feet

ZONING: R-6

REQUEST: To consider a request for a variance to the platted front yard setback, plus any other necessary variances.

Ms. Otto swore in Weston Bennett, Bennett Home Improvement and Building, Blue Springs, MO 64015 and Mr. Bill Kalahurka, 6242 Oak Street, Kansas City MO 64113; they had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13;

and they were admitted; she asked if there were any interested parties present in the audience and there was no other interested party present.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13.

Ms. Otto stated it looked like the house was submitted as built and submitted for a permit and it was permitted at that 30 feet level.

Mr. Syrus Kalantar stated yes; it was an oversight.

Ms. Otto asked if all the other setbacks were met by the house's current location.

Mr. Peterson said it was 20 feet toward Oak Street than the other one's on that street.

Ms. Otto stated it looked it was a bigger house than other houses on that block as well; out of curiosity why were there no windows on the north side.

Mr. Bennett answered because the way it was designed; there were closets, kitchen cabinetry and a master closet outside; it was a good size with one little window but it was the way the design played out facing the other house.

Ms. Otto said the problem was it made that 50 foot platted building line more obvious because that side of the house was so bare. Was the family still living in the home?

Mr. Bennett answered yes and would for a long time.

Ms. Otto asked if there were any affidavits from the neighbors for their support or opposition of the location of the house.

Mr. Bennett answered that it took about 10 months to build and the only neighbor they really talked with was the one on the north; she let them use her water until they got service and she loved the place. If you stood on the street looking at it and you could see the garage off the back end and all of the stairs, it was big, but not as massive as it showed on the slide.

Mr. Crowl asked where was the 30 feet measured from; it looked from the video the stairs came out a lot further than the porch.

Mr. Bennett responded that the 30 feet was from either side of 63rd Street and they needed side yard setback with it and the back yard setback for the garage.

Mr. Kalantar stated they probably needed a different variance request in the case; the required setback was up to 10 feet so the actual distance provided; so the requested variance should be 10 feet not 20.

Ms. Otto stated to be clear; the variance that was needed in the case to allowed the building to remain was 10 feet.

Mr. Kalantar stated they didn't have an exact figure, but with the open porch in front was about 30 feet and with some setback provided it would be approximately 10 feet.

Mr. Keleher moved and Mr. Stiller seconded the motion to **APPROVE:**

- A variance to the platted front yard setback in the amount of 10 feet.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

CASE NO: 14530-A (Lot 2)
14530-A-1 (Lot 3)
14530-A-2 (Lot 4)

APPLICANT: Westport Today of Kansas City
4225 Baltimore
Kansas City, MO 64111

AGENT/CONTACT: Patricia Jensen
White Goss, a Professional Corporation
4510 Bellevue Avenue, Ste. 300
Kansas City, MO 64111

AFFIDAVIT: Not Required

LOCATION: 4444 Summit Street

AREA: 17,168.42 SF

ZONING:

R-1.5

REQUEST:

14530-A - To consider a request for a variance to the minimum required lot area for Lot 2, plus any other necessary variances.

14530-A-1 - To consider a request for a variance to the minimum required lot area for Lot 3, plus any other necessary variances.

14530-A-2 - To consider a request for a variance to the minimum required lot area for Lot 4, plus any other necessary variances.

Mr. Lucas recused.

Ms. Otto swore in Ms. Patricia Jensen, White Goss Bower Corporation, Kansas City Missouri; she had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; and they were admitted; she asked if there were any interested parties present and there were none.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13.

Ms. Otto asked to hear from the applicant on why the Board should grant the requests.

Ms. Jensen stated that in order to be able to sell those units off individually, which was what they were constructed for; they had to have a lot area for Lots 2 through 4. Again it was an R-1.5 zoning district; the building was built completely in accordance with all of the regulations, setbacks, and area requirements for 5 attached homes/units. What caused the issue here was when drawing the property lines to sell off the individual units; the interior units did not meet the lot area requirements. One of the things that the new Development Code did recognize was to encourage that type of attached housing more of a cluster housing and in the Code itself it recognized that not meeting the setback requirements for each of the sides as they were attached to the other side but what it didn't really recognize was for a lesser lot area. The new Code recognized that if there was a common space built around the building that the common area would be attributed to each lot and here the intent was for each of the home owner's to own the property underneath their unit.

Ms. Otto asked if that wasn't a sub-created need; the developer wanted two larger spaces and he could have built something; for example, one lot had 5,397 sq. ft. on it and if he had made that portion smaller they wouldn't be there today.

Ms. Jensen stated she didn't think that would happen because what was creating that larger unit or area was the setback itself from the inside of either the north or south; it wasn't because of how the units were necessarily built.

Ms. Otto stated so she was saying it was the open grass area that was creating that because they were on the end.

Ms. Jensen stated right.

Mr. Lucas stated it also appeared that if the lots were equally spaced, then the units might be larger than the market could bear trying to balance that out; it looked like it was a Catch 22.

Ms. Jensen agreed; she thought it was something that needed to be worked on in the new Development Code because it already recognized the fact that attached homes were not going to meet all the traditional housing-type setbacks in the area requirement; there it was a circumstance where there was not a way to divide the any other way. They did have a home buyer ready to purchase and close on their home within the next week or 10-days.

Mr. Ebbitts moved and Mr. Stiller seconded the motion to **APPROVE:**

- A variance to the minimum required lot area in an R-1.5 district in the amount of 368.63 square feet to permit the establishment of Lot 2.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Ebbitts and Crowl
Voting in opposition:	None
Recused:	Lucas
Absent:	Bonuchi

Mr. Ebbitts moved and Mr. Osborn seconded the motion to **APPROVE:**

- A variance to the minimum required lot area in an R-1.5 district in the amount of 347.64 square feet to permit the establishment of Lot 3.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Ebbitts and Crowl
Voting in opposition:	None
Recused:	Lucas

Absent: Bonuchi

Mr. Ebbitts moved and Mr. Osborn seconded the motion to **APPROVE:**

- A variance to the minimum required lot area in an R-1.5 district in the amount of 366.34 square feet to permit the establishment of Lot 4.

Motion carried 5-0

Voting in support: Otto, Keleher, Osborn, Stiller, Ebbitts and Crawl
Voting in opposition: None
Recused: Lucas
Absent: Bonuchi

CASE NO: 12296-A-1

APPLICANT: Oscar Vargas
3014 E 7th Street
Kansas City, MO 64124

PROPERTY OWNER: Hal Brody
3654 Old Blackhawk Road
Danville, CA 94506

AGENT: Darryl Hawkins
Innovative Design and Renovation
2 W 52nd Street
Kansas City, MO 64112

AFFIDAVIT: Received

LOCATION: 3014 E 7th Street

AREA: 4,718.98 square feet

ZONING: R-6

REQUEST: to consider a request for a variance to the minimum required side yard setback and a variance to the minimum required front yard setback, plus any other necessary variances.

Ms. Otto swore in Mr. Daryl Hawkins and Mr. Oscar Vargas, 3014 E 7th Street, Kansas City MO 64124; they had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; and they were admitted; she asked if there were any interested parties present in the audience and there was no other interested party present.

Ms. Ashley Winchell, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13.

Ms. Otto asked to hear from the applicant as to why the request should be granted.

Mr. Hawkins answered the hardship; the building was substantially completed; he was going to document all that had been done with a building permit and they ran into the existing condition of the house that had been for decades. Mr. Vargas was living in the house, renting to own; it was his son's bedroom currently; he was in substantial compliance with the current zoning.

Ms. Otto asked if the house was closest to where the setback was being requested on the side; was that a single family house.

Mr. Hawkins answered he thought so.

Ms. Otto asked how long the bay windows on the existing portion of the home had been in place.

Mr. Hawkins answered probably decades.

Ms. Otto asked if the neighbors had any complaints or concerns about the addition.

Mr. Hawkins they were happy; the neighbor to the east stated as long as building permits were issued he was fine.

Ms. Otto asked if it was only going to be a one-story addition; no further height would be added construction wise.

Mr. Hawkins stated correct.

Mr. Crowl asked what was left to finish of the addition to the home.

Mr. Hawkins answered finishing trim on the interior, exterior roof, windows, and paint.

Mr. Ebbitts asked what the space would be used for.

Mr. Hawkins answered sleeping quarters.

Mr. Stiller moved and Mr. Keleher seconded the motion to **APPROVE:**

- A variance to the minimum required side yard setback of a principal structure in the amount of 2.6 feet, to allow an existing addition to a single family home to remain.
- A variance to the minimum required side yard setback of a principal structure in the amount of 2.6 feet, to establish the setback on an existing house.
- A variance to the minimum required front yard setback of a principal structure in the amount of 5 feet, to establish the setback on an existing house.
- A variance to the minimum required front yard setback of a front porch in the amount of 3 feet, to establish the setback of an existing front porch.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas (voting Nay on Variance Request "a"), and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

RE:	Case No. 9691-SU-29
APPLICANT:	Chris Lopez Mid-America Sign, LLC PO Box 2766 Mission, KS 66201
PROPERTY OWNER:	Target Corporation PO Box 9456 T-1840 Minneapolis, MN 55440
AGENT:	Same as applicant
LOCATION:	On the east side of State Line Road south of W. 135 th Street
AREA:	Approximately 23 acres

REQUEST: To consider the approval of a Special Use Permit for an oversize monument sign for a retail use in District B 3-2.

Ms. Ashley Winchell, Staff Planner, stated the applicant had requested a continuance on this matter to January 27, 2015 meeting with one \$130.00 fee.

Ms. Otto asked if there was any one in the audience on this matter; there was no one.

Mr. Keleher moved and Mr. Osborn seconded the motion to **CONTINUE Case No. 9691-SU-29** to the January 27, 2015 meeting with one \$130.00 fee (No Testimony – No Set Quorum)

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

RE: Case No. 14529-SU (formerly 14516-SU-1)

APPLICANT/OWNER: Shannon Kimball
Flavor Trade, LLC
8100 Lee Blvd
Leawood, KS 66206

LOCATION: Generally located at 3000 Troost.

REQUEST: To consider approval of a special use permit in District B4-5 (Heavy Business/Commercial (dash 5)) to allow for a limited manufacturing, production and industrial service use and any necessary variances.

Ms. Otto swore in Mr. Shannon Kimball, Flavor Trade, LLC 8100 Lee Blvd Leawood KS 66206; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-11; and they were admitted; she asked if there were any interested parties present in the audience and there was no other interested party present.

Mr. Joseph Rexwinkle, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 11.

Ms. Otto asked Mr. Kimball that there would only be 3 parking spaces on the property.

Mr. Kimball responded yes.

Ms. Otto asked how many employees he had.

Mr. Kimball answered 3 to 4.

Ms. Otto asked about the street parking.

Mr. Kimball said they were on the bus line and there was plenty of street parking; some of their neighbors parked their cars and there was vertical parking as well.

Ms. Otto said she was concerned with congestion at the location; his business would encourage even more. Next to him appeared to be a vacant lot, was it undeveloped; yes, no parking on it.

Mr. Kimball answered they were considering purchasing that lot; and it would be a Phase II.

Ms. Otto asked him to explain his retail business; was his primary business going to be delivering off site or more the front operation.

Mr. Kimball answered it would be more of a front operated like a mercantile; anything they produce in there through was co-packing or their own products would be put on the shelf and sold; so it would be a main KC product store front; they wanted to expose more companies. They would also want to make soups and things like that so they would want to have a lunch counter where they could sell soup and cheese possibly; they had talked to the local health department about that as what to do to sell their wares up front.

His products were Fire Brand Barbeque products; his current facility was in Lenexa, Kansas and they supplied health stores, Hy-Vee stores, barbeque shops, etc. They would want to continue that manufacturing there and for distribution.

Ms. Otto asked if his intent was to close his Lenexa location and move everything there.

Mr. Kimball they were a Co-pack and he was a customer of theirs.

Mr. Crowl asked about the size of truck he had for delivery and bringing products.

Mr. Kimball answered mostly, 10-passenger vans; they contracted with Fresh Food Express; they had about 4, 24 foot box trucks that were suitable to get in there; it was nearly impossible to back a semi in there they tried to get anything that could come in and out there and be okay.

Mr. Keleher asked about the staff reporting recommending that the plan be revised to shift the driveway and aisle; did that mean they needed a new site plan to act on it.

Mr. Rexwinkle answered yes and the applicant had just provided that today. The City was rebuilding Troost Avenue in that area and they were coordinating with the project manager in the Public Works Department; they would rebuild that driveway in the proper location to match the revised location that was shown on the site plan. The purpose of that was to allow space for those parking spaces that would be located there; right now the driveway was so close to the building those spaces did not meet Code.

Ms. Otto asked if that was noted on this new plan.

Mr. Rexwinkle answered yes.

Mr. Lucas moved and Mr. Osborn seconded the motion to **APPROVE Case No. 14529-SU**
SUBJECT TO THE FOLLOWING CONDITIONS:

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to building permit showing:
 - a. The driveway and drive aisle shifted northward to provide adequate depth for the parking spaces in compliance with the standards of Chapter 52.
 - b. If necessary, the van accessible space shifted westward and one of the two standard spaces relocated to a different location onsite in compliance with the standards of Chapter 52.
 - c. A note on the face of the plan specifying that flags flown on the pole shall not bear a commercial message.
 - d. A note stating the special use permit is for a limited manufacturing, production, and industrial services use.
 - e. A note stating that administrative approval of a minor amendment is required prior to the installation of new storefront windows.
 - f. Screening around the trash dumpster consisting of a fence and landscaping in compliance with 88-425-08-A.

- g. The dimension of the clear space between the north side of the building and the parking spaces.

The remaining conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at brett.cox@kcmo.org or 816-513-2509 with questions.

- h. Show public infrastructure adjacent to this development, particularly storm and sanitary sewers.
2. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

RE: Case No. 14514-SU

APPLICANT: James Sullivan
Sullivan Palmer Architects
8621 Johnson Dr
Merriam, KS 66202

OWNER: Vietnam Buddhist Association
5009 NE Chouteau Trfy
Kansas City, MO 64119

LOCATION: Generally located at 5090 Chouteau Trafficway.

REQUESTS: To consider approval of a special use permit in District B1-1 (Neighborhood Business (dash 1)) and District R-6 (Residential 6)

to allow for 7,300 square foot addition to an existing religious assembly use and any necessary variances.

Ms. Otto swore in Mr. James Sullivan, Sullivan Palmer Architects, 8621 Johnson Dr., Merriam, KS 66202 and the Mr. Dong Quach, treasurer of the Vietnam Buddhist Association, 5009 NE Chouteau Trfy, Kansas City, MO 64119; they had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-11; and they were admitted; she asked if there were any interested parties present in the audience and there was no other interested party present.

Mr. Joseph Rexwinkle, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 11.

Ms. Otto asked Mr. Sullivan if the recommendations of the Planning Commission were now accurate.

Mr. Sullivan responded yes they were.

Ms. Otto asked if this was going to be a gymnasium attached.

Mr. Sullivan responded yes; mostly they would call it an activity center maybe a little bit broader concept being used for youth activities, cold weather activities, youth gatherings that sort of thing.

Ms. Otto was there a school associated.

Mr. Sullivan answered no; just religious gatherings.

Ms. Otto asked about the schedule of services.

Mr. Quach answered youth services 10 to Noon on Sunday; the adults from Noon to 1 or 1:30; and they might use one extra night or two nights for the kids to hangout.

Mr. Lucas moved and Mr. Keleher seconded the motion to **APPROVE Case No. 14514-SU**
SUBJECT TO THE FOLLOWING CONDITIONS:

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing

/all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to building permit showing:

2. Show the parking spaces striped with dimensions in compliance with Chapter 52.
3. Clearly delineate existing from proposed landscaping.
4. Reference the Major Street Plan classification of N Chouteau Trfy (4-lane boulevard with 100 ft of right-of-way) on the face of the plan including existing and proposed right-of-way width.
5. Identify the specific location of the proposed wall-mounted light fixtures on the face of the lighting plan.
6. ***The remaining conditions are recommended by Land Development Division of City Planning & Development. For questions, please contact Brett Cox at brett.cox@kcmo.org or 816-513-2509.***
7. Show all required off-site public improvements and required easement, with labels.
8. Show existing and approximate proposed 2' contours across and adjacent to the project within 200 feet of the site.
9. Show and label existing conditions including width of all existing right-of ways, roadways, etc., and their means of conveyance (i.e. Plat, separate Ordinance, etc.) Show and label established roadway center lines and/or section lines and note where difference occurs. Also show ordinance that vacated N Gladstone Ave, north of NE 50th St.
10. Provide detailed documentation regarding storm water runoff and indicate conveyance to public storm sewer system.
11. The developer must submit a Macro/Micro storm drainage study, including a BMP level of service analysis, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements as required by the Land Development Division prior issuance of a Building Permit.
12. The developer must dedicate additional right of way by separate deed for N Chouteau Trafficway as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline of N Chouteau Trafficway.
13. The developer must construct a sidewalk along the property frontage of N Chouteau Trafficway prior to a Temporary or Final Certificate of Occupancy, as required by the Land Development Division.
14. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
15. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.

16. The developer amend the special use permit plan prior to final approval of the plan after submitting a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
17. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
18. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
19. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

RE:	Case No. 14526-SU
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APPLICANT:	Riad Baghdadi RB Architecture 10107 W 105 th St Overland Park, KS 66212
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OWNER:	Burmese Muslim Association 4214 E 7 th St Kansas City, MO 64124
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LOCATION:	Generally located at 4214 E 7 th St.
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REQUESTS: To consider approval of a special use permit in District R-2.5 (Residential 2.5) to allow for a school and any necessary variances.

Ms. Otto swore in Mr. Rihad Baghdadi, RB Architecture, 10107 W. 105th Street, Overland Park, KS 66212, he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-11; and they were admitted; she asked if there were any interested parties present in the audience and there was no other interested party present.

Mr. Joseph Rexwinkle, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 11.

Ms. Otto asked to hear from the applicant as why the Board should grant this request.

Mr. Baghdadi stated the proposal was to serve the Burmese community that lived around the area; there was an estimate of 40 to 50 families and they really needed space to educate their children based on their culture. Since they lived in the area, they selected the site and they would like to mention something; the only reason they were there was that the site was not at a corner; if it were 2 blocks to the east it would be all right; and that was what they could afford and needed in their community and that was why the site was selected. It wasn't an ideal spot; but it was something they thought they could live with.

Ms. Otto stated the idea to have the classrooms on the upper level and the offices on the bottom why couldn't switch or flip it around, that was a big fire concern.

Mr. Baghdadi stated it was, but the design was based on the existing code; regardless of what was showing on there (the plan) if the design didn't comply with the existing code it would not go through and be able to do it.

Ms. Otto stated it had to pass this first; but if the present a plan on its face did not meet the requirements of the fire code the Board would probably not grant his request.

Mr. Baghdadi explained that they had to get it approved first; then the work would come to be within Code with the Fire Department; there were a lot of provisions in that Code; if sprinkler were put in on top one could do anything.

Ms. Otto asked if the lot include the buildings on either side of it or was a separate lot.

Mr. Rexwinkle answered it was a separate lot.

Ms. Otto asked if the other buildings adjacent to it occupied or vacant.

Mr. Baghdadi stated the one on the east side was occupied; the west side was not.

Ms. Otto asked how long had the building been empty they were proposing to rehab.

Mr. Baghdadi didn't know.

Mr. Lucas asked about the points of entry

Mr. Baghdadi responded up the middle stairwell; there was an exit in the back.

Mr. Ebbitts stated there were 3 different City Commissions, police, public works and fire had recommended the Board not approve; he saw the Planning Commission before told them not to approve; they had a lot of negatives coming down on the property and if they had a better plan for its use than what he was suggesting perhaps, they might see something differently; but to put children on the 2nd floor of an older building with the building next door to it unoccupied and against Fire Code Regulations even though he might sprinkle it; he didn't feel real comfortable with the use of the building.

Mr. Baghdadi stated he understood; from the beginning they said it was not the ideal but it is what the community could afford; he understand all of the concerns the building was empty and should rather have something in it. And going back to the design, if there was any issue they would not get any permits.

Ms. Otto asked if the community had already received State approval so the school curriculum had been approved.

Mr. Baghdadi stated no; not that far yet, they wanted to see if they could use the building.

Mr. Keleher asked how much they were proposing to spend on the rehab.

Mr. Baghdadi stated their budget was around \$30,000.00; they were planning on doing most of the work themselves and then there would be some professional work that needed to be done.

Mr. Keleher asked if they were going to spend that money before they sought State certification.

Mr. Baghdadi responded yes.

Mr. Crowl asked if it was a temporary facility at such time money was raised to move to another facility.

Mr. Baghdadi answered yes, but he would say the temporary would be 8 to 10 years. Nothing had really been planned; this was the major step.

Ms. Otto asked where the children were currently being educated.

Mr. Baghdadi stated they were home schooled.

Mr. Keleher asked if he thought all of the families that had children that would attend this school were they aware of the crime conditions in the neighborhood.

Mr. Baghdadi answered he would assume yes; they lived around that area, they saw what was going on; they were aware of it; they weren't coming from other neighborhoods.

Mr. Lucas moved and Mr. Osborn seconded the motion to **DENY Case No. 14526-SU.**

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

RE: Case No. 10823-SU-4

APPLICANT: Paul Hughes
5040 Indian Creek Parkway
Overland Park, KS 66207

OWNER: First Church of the Nazarene of Kansas City
11811 State Line Road
Kansas City, MO 64114

AGENT: Bob Quick
Royal Engineering
10212 E. 85th Terrace
Raytown, MO 64138

LOCATION: **11811 E. State Line Road** - Generally located at the northeast corner of W. Minor Drive and State Line Road.

AREA: Approximately 13 acres.

ZONING: Districts R-1.5 and R-7.5 (Residential dash 1.5 & 7.5).

REQUESTS: To consider approval of a special use permit in Districts R-1.5 and R-7.5 (Residential dash 1.5 & 7.5) to allow for an amendment to the existing church plan to delete Lot 9, Verona Hills subdivision from the church plan.

Ms. Otto swore in Ms. Gloria Bible, representative for the First Church of the Nazarene of Kansas City, 11811 State Line Road, Kansas City, MO 64114; she had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-1; and they were admitted; she asked if there were any interested parties present in the audience and there was one other interested party present in support.

Mr. Olofu Agbaji, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 12.

Ms. Otto asked if there was going to be any required landscaping along the back edge of the parking lot or fencing.

Ms. Bible responded that the gentleman who would be building on there had a big landscaping plan that would take place but it hadn't been a part of the requirements.

Mr. Lucas asked if the goal was residences on lots 1-9;

Ms. Otto stated she didn't think so; the Church would maintain Lots 1 through 8 and would remain their parking; because Lot 9 was just a green space, they were going to use as a revenue option and sell the land.

Mr. Osborn moved and Mr. Stiller seconded the motion to **APPROVE Case No. 10823-SU-4 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to issuance of building permit showing:
 - a. Correct title to read "Special Use Permit".
 - b. Remove the easement from the relocated private storm sewer on Lot 1.
 - c. Show proposed Water Quality BMPs for the site.
 - d. Written information shall be provided in the following order on the site plan and in tabular form for each phase and in total. The site plan shall identify buildings, phases of development, and other graphic information by numbers or letters to allow easy reference to the following information:
 - i. Existing zoning of property.
 - ii. Total land area in square feet or acre.
 - iii. Proposed use or uses of each building and structure.
 - iv. Height above grade of buildings and structures and number of floors of each building.
 - v. Gross floor area per floor and total for each building.
 - vi. Ratio of required number of parking spaces for each use and amount of required, proposed parking spaces.

Conditions 2. - 6. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Minor Subdivision and submitting and recording a Lot Split Plat or replatting the property in accordance therewith.
3. The developer must construct a sidewalk along the north side of Madison Avenue, along the frontage of proposed Lot 9 at the time a building permit is issued on that lot.
4. The developer must construct sidewalks along the west side of Madison Avenue and north side of W. Minor Drive, adjacent to Lot 1 prior to any future development plan or building permit is issued on that lot.
5. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

Motion carried 5-0

Voting in support:

Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts

Voting in opposition: None
Absent: Bonuchi
Present but not voting: Crawl

RE: a) **Case No. 9132-SU-11**
b) **Case No. 12429-SU-1**

APPLICANT/ AGENT: Donald G. Miller
DGM & Associates, P.C.
1307 S. Prospect Street
Kearney, MO 64060

PROPERTY OWNER: New Mark Care Properties, Inc.
11221 N. Nashua Drive
Kansas City, MO 64155

LOCATION: Generally located at the northeast and northwest corners of N.
Nashua Drive and N. McGee Street.

AREA: a) 6.3 acres
b) 0.60 acres

REQUESTS: a) **Case No. 9132-SU-11 – 11221 N. Nashua Drive** - About 6.3 acres
generally located at the northwest corner of N. Nashua Drive and
N. McGee Street, to consider approval of a special use permit in
District R-7.5 (Residential 7.5) to allow for 24,000 square foot
building addition to the existing skilled nursing facility.

b) **Case No. 12429-SU-1 – 11121 N. Nashua Drive** - About 0.6 acres
generally located at the northeast corner of N. Nashua Drive and
N. McGee Street, to consider approval of a special use permit in
District R-7.5 (Residential 7.5) to allow for off-site parking lot to
serve the existing skilled nursing facility.

Mr. Olofu Agbaji, Staff Planner, requested a continuance on this matter to January 27, 2015 meeting without fee.

Ms. Otto asked if there was any one in the audience on this matter; there was no one.

Mr. Keleher moved and Mr. Osborn seconded the motion to **CONTINUE Case No. 9132-SU-11 and Case No. 12429-SU-1** to the January 27, 2015 meeting without fee (No Testimony – No Set Quorum)

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

OTHER MATTERS:

Approval of the minutes from the November 25, 2014 meeting date.

Mr. Keleher moved and Mr. Lucas seconded the motion to **APPROVE** the minutes from the November 25, 2014 meeting date.

Motion carried 5-0

Voting in support:	Otto, Keleher, Osborn, Stiller, Lucas, and Ebbitts
Voting in opposition:	None
Absent:	Bonuchi
Present but not voting:	Crowl

Ms. Otto announced that as of the next meeting date, the new start time for the Board of Zoning Adjustment meetings will be at 1:00 p.m.

There being no further business, the meeting was adjourned at 2:42 p.m.

Respectfully submitted,

Diane M. Binckley, AICP
Assistant Secretary

APPROVED:

Theresa Otto, Chairperson